
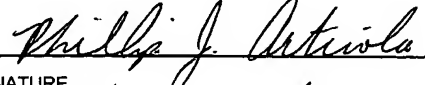
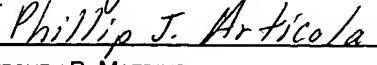


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JC02 Rec'd PCT/PTO 16 MAY 2002

FORM PTO-1390 (Modified) (REV 5-93)		U.S. DEPARTMENT OF COMMERCE PATENT AND TRADEMARK OFFICE		ATTORNEY'S DOCKET NUMBER	
TRANSMITTAL LETTER TO THE UNITED STATES DESIGNATED/ELECTED OFFICE (DO/EO/US) CONCERNING A FILING UNDER 35 U.S.C. 371				065691-0262	
				U.S. APPLICATION NO. (If known, see 37 C.F.R. 1.5) 10/009,340	
INTERNATIONAL APPLICATION NO. PCT/FR00/01574		INTERNATIONAL FILING DATE 06/08/2000		PRIORITY DATE CLAIMED 06/10/1999	
TITLE OF INVENTION Promoter Which Allows Transgene Expression in the Entire Plant Except the Seed					
APPLICANT(S) FOR DO/EO/US Bertrand DUBREUCQ, Loic LEPINIEC and Michel CABOCHE					
Applicant herewith submits to the United States Designated/Elected Office (DO/EO/US) the following items and other information:					
1. <input type="checkbox"/> This is a FIRST submission of items concerning a filing under 35 U.S.C. 371.					
2. <input checked="" type="checkbox"/> This is a SECOND or SUBSEQUENT submission of items concerning a filing under 35 U.S.C. 371.					
3. <input type="checkbox"/> This express request to begin national examination procedures (35 U.S.C. 371(f)) at any time rather than delay examination until the expiration of the applicable time limit set in 35 U.S.C. 371(b) and PCT Articles 22 and 39(1).					
4. <input type="checkbox"/> A proper Demand for International Preliminary Examination was made by the 19 <sup>th</sup> month from the earliest claimed priority date.					
5. <input type="checkbox"/> A copy of the International Application as filed (35 U.S.C. 371(c)(2)) <input type="checkbox"/> is transmitted herewith (required only if not transmitted by the International Bureau). <input type="checkbox"/> has been transmitted by the International Bureau. <input type="checkbox"/> is not required, as the application was filed in the United States Receiving Office (RO/US)					
6. <input type="checkbox"/> A translation of the International Application into English (35 U.S.C. 371(c)(2)).					
7. <input type="checkbox"/> Amendments to the claims of the International Application under PCT Article 19 (35 U.S.C. 371(c)(3)) <input type="checkbox"/> are transmitted herewith (required only if not transmitted by the International Bureau). <input type="checkbox"/> have been transmitted by the International Bureau. <input type="checkbox"/> have not been made; however, the time limit for making such amendments has NOT expired. <input type="checkbox"/> have not been made and will not be made.					
8. <input type="checkbox"/> A translation of the amendments to the claims under PCT Article 19 (35 U.S.C. 371(c)(3)).					
9. <input type="checkbox"/> An oath or declaration of the inventor(s) (35 U.S.C. 371(c)(4)).					
10. <input type="checkbox"/> A translation of the annexes to the International Preliminary Examination Report under PCT Article 36 (35 U.S.C. 371(c)(5)).					
11. <input type="checkbox"/> Applicant claims small entity status under 37 CFR 1.27 .					
Items 12. to 17. below concern other document(s) or information included:					
12. <input type="checkbox"/> An Information Disclosure Statement under 37 CFR 1.97 and 1.98.					
13. <input type="checkbox"/> An assignment document for recording. A separate cover sheet in compliance with 37 CFR 3.28 and 3.31 is included.					
14. <input type="checkbox"/> A FIRST preliminary amendment. <input type="checkbox"/> A SECOND or SUBSEQUENT preliminary amendment.					
15. <input type="checkbox"/> A substitute specification.					
16. <input type="checkbox"/> A change of power of attorney and/or address letter.					
17. <input checked="" type="checkbox"/> Other items or information: Sequence Listing (3 pgs) CRF (1 disk) Statement in Support of Sequence Listing (2 pgs.) Response to Notice of Missing Requirements (2 pgs.)					

U.S. APPLICATION NO. (If known, see 37 C.F.R. 1.50) 10/009,340		INTERNATIONAL APPLICATION NO. PCT/FR00/01574		ATTORNEY'S DOCKET NUMBER 065691-0262	
18. <input type="checkbox"/> The following fees are submitted:				<b>CALCULATIONS</b>	
Basic National Fee (37 CFR 1.492(a)(1)-(5): Search Report has been prepared by the EPO or JPO.....\$890.00					
International preliminary examination fee paid to USPTO (37 CFR 1.482).....\$710.00					
No international preliminary examination fee paid to USPTO (37 CFR 1.482) but international search fee paid to USPTO (37 CFR 1.445(a)(2)) .....\$740.00					
Neither international preliminary examination fee (37 CFR 1.482) nor International search fee (37 CFR 1.445(a)(2)) paid to USPTO ..... \$1,040.00					
International preliminary examination fee paid to USPTO (37 CFR 1.482) and all claims satisfied provisions of PCT Article 33(2)-(4) .....\$100.00					
<b>ENTER APPROPRIATE BASIC FEE AMOUNT =</b>				\$0.00	
Surcharge of \$130.00 for furnishing the oath or declaration later than 20 Months from the earliest claimed priority date (37 CFR 1.492(e))					
Claims	Number Filed		Included in Basic Fee	Extra Claims	Rate
Total Claims	20	-	20	= 0	x \$18.00
Independent Claims	3	-	3	= 0	x \$84.00
Multiple dependent claim(s) (if applicable)					\$280.00
<b>TOTAL OF ABOVE CALCULATIONS =</b>				\$0.00	
Reduction by 1/2 for filing by small entity, if applicable.				\$0.00	
<b>SUBTOTAL =</b>				\$0.00	
Processing fee of \$130.00 for furnishing English translation later the 20 months from the earliest claimed priority date (37 CFR 1.492(f). +					
<b>TOTAL NATIONAL FEE =</b>				\$0.00	
Fee for recording the enclosed assignment (37 CFR 1.21(h)). The assignment must be accompanied by an appropriate cover sheet (37 CFR 3.28, 3.31). \$40.00 per property +					
<b>TOTAL FEES ENCLOSED =</b>					
				Amount to be:	
				refunded \$	
				charged \$	
a. <input type="checkbox"/> A check in the amount of \$0.00 to cover the above fees is enclosed. b. <input type="checkbox"/> Please charge my Deposit Account No. <u>19-0741</u> in the amount of \$0.00 to the above fees. A duplicate copy of this sheet is enclosed. c. <input checked="" type="checkbox"/> The Commissioner is hereby authorized to charge any additional fees which may be required, or credit any overpayment to Deposit Account No. <u>19-0741</u> . A duplicate copy of this sheet is enclosed.					
NOTE: Where an appropriate time limit under 37 CFR 1.494 or 1.495 has not been met, a petition to revive (37 CFR 1.137(a) or (b)) must be filed and granted to restore the application to pending status.					
SEND ALL CORRESPONDENCE TO:  <div style="display: flex; justify-content: space-between;"> <div style="width: 45%;"> Foley &amp; Lardner  Customer Number: 22428    <b>22428</b>  PATENT TRADEMARK OFFICE </div> <div style="width: 50%; text-align: right;">   SIGNATURE    NAME / <u>STEPHEN B. MAEBIUS</u>  <i>for</i> <u>Reg. No. 38,819</u>  REGISTRATION NUMBER 35,264 </div> </div>					

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

Applicants: Bertrand DUBREUCQ et al.  
Title: PROMOTER WHICH ALLOWS TRANSGENE EXPRESSION IN THE  
ENTIRE PLANT EXCEPT THE SEED  
Appl. No.: 10/009,340  
Filing Date: 12/10/2001  
Examiner: Unassigned  
Art Unit: Unassigned

**RESPONSE TO NOTICE OF MISSING REQUIREMENTS FOR PATENT  
APPLICATIONS CONTAINING NUCLEOTIDE SEQUENCE AND/OR AMINO ACID  
SEQUENCE DISCLOSURES**

Commissioner for Patents  
Washington, D.C. 20231

Sir:

In response to the Notice to File Missing Requirements mailed on April 1, 2002, enclosed are copies of the Sequence Listing and Statement to Support Filing and Submission in accordance with 37 C.F.R. §§ 1.821-1.825. Also enclosed is a diskette containing the Sequence Listing in computer readable form.

Applicants respectfully request examination of the instant application on the merits in due course.

Please direct all correspondence to the undersigned attorney or agent at the address indicated below.

Respectfully submitted,

Date: May 16, 2002

FOLEY & LARDNER  
Customer Number: 22428



22428

PATENT TRADEMARK OFFICE

Telephone: (202) 672-5407

Facsimile: (202) 672-5399

By Phillip J. Anticola

Reg. No.  
38,819

for / Stephen B. Maebius  
Attorney for Applicants  
Registration No. 35,264